

THIS IS THE BEGINNING OF ADMINISTRATIVE FINE CASE # 3690

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RECEIVED

FEDERAL ELECTION COMMISSION

2019 APR -2 PM 1:25

SENSITIVE

April 2, 2019

MEMORANDUM

TO: The Commission

THROUGH: Alec Palmer *AP by MAM*
Staff Director

FROM: Patricia C. Orrock *PCO*
Chief Compliance Officer

Debbie Chacona *DC*
Assistant Staff Director
Reports Analysis Division

BY: *KDR* Kristin D. Roser/Ben Holly *BH*
Reports Analysis Division
Compliance Branch

SUBJECT: Reason To Believe Recommendation – 2018 Year-End Report for the
Administrative Fine Program

Attached is a list of political committees and their treasurers who failed to file the 2018 Year-End Report in accordance with 52 U.S.C. § 30104(a). The Year-End Report was due on January 31, 2019.

The committees listed in the attached RTB Circulation Report either failed to file the report, filed the report no more than thirty (30) days after the due date (considered a late filed report), or filed the report more than thirty (30) days after the due date (considered a non-filed report). In accordance with the schedule of civil money penalties for reports at 11 C.F.R. 111.43, these committees should be assessed the civil money penalties highlighted on the attached circulation report.

In order to determine the level of activity for unauthorized quarterly filers that filed a Year-End Report and were required to but failed to file the 30 Day Post-General Report, the Reports Analysis Division (RAD) used the following procedures and criteria:

- Every Year-End Report (YE) submitted by an unauthorized quarterly filer that covered the period from October 1, 2018 through December 31, 2018 (92 days) was reviewed for activity which would have required the filing of a 30 Day Post-General Report (30G). If our research indicated that a 30G was required, we utilized a three-step method to arrive at the activity on which to base the YE fine amount. First, we took the sum of all itemized receipts and disbursements that should have been disclosed on a YE that covered the period from November 27, 2018 through December 31, 2018 (35 days). Second, if the committee had any unitemized activity, a per diem level of this activity was calculated by multiplying the total amount of unitemized activity on the report by 38.04% (35 days (correct YE Filing Period)/92 days (submitted YE Filing Period)). Third, we took the sum of the amounts calculated in steps one and two to arrive at the level of activity assigned to the YE.

Recommendation

1. Find reason to believe that the political committees and their treasurers, in their official capacity, listed on the RTB Circulation Report violated 52 U.S.C. § 30104(a) and make a preliminary determination that the civil money penalties would be the amounts indicated on the RTB Circulation Report.
2. Send the appropriate letters.

4/2/2019 11:28 AM

Federal Election Commission
Reason to Believe Circulation Report
2018 YEAR-END Not Election Sensitive 01/31/2019 H_S_P_UNAUTH

AF#	Committee ID	Committee Name	Candidate Name	Treasurer	Threshold	PV	Receipt Date	Days Late	LOA	RTB Penalty
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3664	C00324780	AMERICAN ACADEMY OF EMERGENCY MEDICINE POLITICAL ACTION COMMITTEE AAEM PAC		WILLIAM T. DURKIN, JR.	\$120,048	0	2/6/2019	6	\$10,921	\$182
3685	C00658757	AMERICANS SUPPORTING VETERANS PAC		MARK SLY	\$695,765	0	3/29/2019	57 (Not Filed*)	\$119,609	\$6,541
3687	C00216184	ANESTHESIA SERVICE MEDICAL GROUP ADVOCACY FUND		C. APRIL BOLING	\$117,891	0	2/11/2019	11	\$3,423	\$101

3677	C00516922	COMMITTEE TO ELECT RON VARASTEY	RON VARASTEY	MASHA MACURDA	\$504,325	0		Not Filed	\$56,036 (est)	\$3,925
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4/2/2019 11:29 AM

AF#	Committee ID	Committee Name	Candidate Name	Treasurer	Threshold	PV	Receipt Date	Days Late	LOA	RTB Penalty
3687	C00670992	FRIENDS OF DAVID WERTIME	DAVID WERTIME	RICHARD WERTIME	\$250,085	0	2/25/2019	25	\$2,488	\$185

3690	C00656744	GEORGE FRANKLIN FOR CONGRESS	GEORGE FRANKLIN	HEATHER RICKETTS	\$1,687,482	0		Not Filed	\$337,496 (est)	\$11,627
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3707	C00661181	SAM DEEN FOR CONGRESS	SAM ALAN DEEN,	TERI LYNN PRUITT	\$159,928	0		Not Filed	\$31,985 (est)	\$1,230
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4/2/2019 11:29 AM

AF#	Committee ID	Committee Name	Candidate Name	Treasurer	Threshold	PV	Receipt Date	Days Late	LOA	RTB Penalty
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3718	C00433872	TRANSYSTEMS CORPORATION PAC		PAUL J. MALIR	\$140,196	0	2/22/2019	22	\$12,591	\$278
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* The committee filed their report more than thirty (30) days after the due date; therefore, the report is considered not filed.

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Reason To Believe Recommendation - 2018)
Year-End Report for the Administrative)
Fine Program:)

AMERICAN ACADEMY OF) AF# 3664
EMERGENCY MEDICINE POLITICAL)
ACTION COMMITTEE AAEM PAC, and)
DR. WILLIAM T DURKIN, JR as)
treasurer;)
AMERICANS SUPPORTING VETERANS) AF# 3665
PAC, and SLY, MARK as treasurer;)

ANESTHESIA SERVICE MEDICAL) AF# 3667
GROUP ADVOCACY FUND, and C)
APRIL BOLING as treasurer;)

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Certification for Administrative Fines
April 5, 2019

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COMMITTEE TO ELECT RON) AF# 3677
VARASTEH, and MACURDA, MASHA as)
treasurer;)

FRIENDS OF DAVID WERTIME, and) AF# 3687
WERTIME, RICHARD as treasurer;)

GEORGE FRANKLIN FOR CONGRESS,) AF# 3690
and RICKETTS, HEATHER as treasurer;)

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SAM DEEN FOR CONGRESS, and
PRUITT, TERI LYNN as treasurer;

) AF# 3707
)

TRANSSYSTEMS CORPORATION PAC,) AF# 3718
and PAUL J MALIR as treasurer;)

CERTIFICATION

I, Laura E. Sinram, Deputy Secretary of the Federal Election Commission, do hereby certify that on April 05, 2019 the Commission took the following actions on the Reason To Believe Recommendation - 2018 Year-End Report for the Administrative Fine Program as recommended in the Reports Analysis Division's Memorandum dated April 02, 2019, on the following committees:

AF#3664 Decided by a vote of 4-0 to: (1) find reason to believe that AMERICAN ACADEMY OF EMERGENCY MEDICINE POLITICAL ACTION COMMITTEE AAEM PAC, and DR. WILLIAM T DURKIN, JR in his official capacity as treasurer violated 52 U.S.C. 30104(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Hunter, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#3665 Decided by a vote of 4-0 to: (1) find reason to believe that AMERICANS SUPPORTING VETERANS PAC, and SLY, MARK in his official capacity as treasurer violated 52 U.S.C. 30104(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Hunter, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#3667 Decided by a vote of 4-0 to: (1) find reason to believe that ANESTHESIA SERVICE MEDICAL GROUP ADVOCACY FUND, and C APRIL BOLING in her official capacity as treasurer violated 52 U.S.C. 30104(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Hunter, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#3677 Decided by a vote of 4-0 to: (1) find reason to believe that COMMITTEE TO ELECT RON VARASTEY, and MACURDA, MASHA in her official capacity as treasurer violated 52 U.S.C. 30104(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate

Introduction

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letter. Commissioners Hunter, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#3687 Decided by a vote of 4-0 to: (1) find reason to believe that FRIENDS OF DAVID WERTIME, and WERTIME, RICHARD in his official capacity as treasurer violated 52 U.S.C. 30104(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Hunter, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#3690 Decided by a vote of 4-0 to: (1) find reason to believe that GEORGE FRANKLIN FOR CONGRESS, and RICKETTS, HEATHER in her official capacity as treasurer violated 52 U.S.C. 30104(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Hunter, Petersen, Walther, and Weintraub voted affirmatively for the decision.

WOLFGANG

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Introduction

Introduction

AF#3707 Decided by a vote of 4-0 to: (1) find reason to believe that SAM DEEN FOR CONGRESS, and PRUITT, TERI LYNN in her official capacity as treasurer violated 52 U.S.C. 30104(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Hunter, Petersen, Walther, and Weintraub voted affirmatively for the decision.

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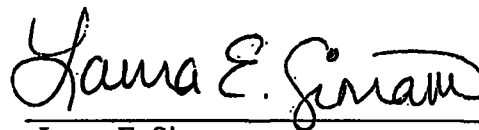
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AF#3718 Decided by a vote of 4-0 to: (1) find reason to believe that TRANSYSTEMS CORPORATION PAC, and PAUL J MALIR in his official capacity as treasurer violated 52 U.S.C. 30104(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Hunter, Petersen, Walther, and Weintraub voted affirmatively for the decision.

Attest:

4/5/19

Date



Laura E. Sinram

Deputy Secretary of the Commission



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

April 8, 2019

Heather Ricketts, in official capacity as Treasurer
George Franklin for Congress
P.O. Box 353
Glenn, MI 49416

C00656744
AF#: 3690

Dear Ms. Ricketts:

The Federal Election Campaign Act of 1971, as amended ("the Act"), requires that your committee file a Year-End Report of Receipts and Disbursements every calendar year. This report, covering the period October 1, 2018 through December 31, 2018, shall be filed no later than January 31, 2019. 52 U.S.C. § 30104(a). Because records at the Federal Election Commission ("FEC") indicate that you did not file this report within thirty (30) days of the due date, the report is considered not filed for the purpose of calculating the civil money penalty. You should file this report if you have not already done so.

The Act permits the FEC to impose civil money penalties for violations of the reporting requirements of 52 U.S.C. § 30104(a). 52 U.S.C. § 30109(a)(4). On April 5, 2019, the FEC found that there is reason to believe ("RTB") that George Franklin for Congress and you, in your official capacity as treasurer, violated 52 U.S.C. § 30104(a) by failing to file timely this report on or before January 31, 2019. Based on the FEC's schedules of civil money penalties at 11 CFR § 111.43, the amount of your civil money penalty calculated at the RTB stage is \$11,627. Please see the attached copy of the Commission's administrative fine regulations at 11 CFR §§ 111.30-111.55. Attachment 1. The Commission's website contains further information about how the administrative fine program works and how the fines are calculated. See <https://www.fec.gov/af/pay.shtml> 11 CFR § 111.34. Your payment of \$11,627 is due within forty (40) days of the finding, or by May 15, 2019, and is based on these factors:

Sensitivity of Report: Not Election Sensitive
Level of Activity: \$337,496
Number of Days Late: Not Filed
Number of Previous Civil Money Penalties Assessed: 0

At this juncture, the following courses of action are available to you:

1. If You Choose to Challenge the RTB Finding and/or Civil Money Penalty

If you should decide to challenge the RTB finding and/or calculated civil money penalty, you must submit a written response to the FEC's Office of Administrative Review, 1050 First Street, NE, Washington, DC 20002. Your response must include the AF# (found at the top of page 1 under your committee's identification number) and be received within forty (40) days of the Commission's RTB finding, or May 15, 2019. 11 CFR § 111.35(a). Your written response must include the reason(s) why you are challenging the RTB finding and/or calculated civil money penalty, and must include the factual basis supporting the reason(s) and supporting documentation. The FEC strongly encourages that documents be submitted in the form of affidavits or declarations. 11 CFR § 111.36(c).

The FEC will only consider challenges that are based on at least one of three grounds: (1) a factual error in the RTB finding; (2) miscalculation of the calculated civil money penalty by the FEC; or (3) your demonstrated use of best efforts to file in a timely manner when prevented from doing so by reasonably unforeseen circumstances that were beyond your control. 11 CFR § 111.35(b). In order for a challenge to be considered on the basis of best efforts, you must have filed the required report no later than 24 hours after the end of these reasonably unforeseen circumstances. *Id.* Examples of circumstances that will be considered reasonably unforeseen and beyond your control include, but are not limited to: (1) a failure of Commission computers or Commission-provided software despite your seeking technical assistance from Commission personnel and resources; (2) a widespread disruption of information transmissions over the Internet that is not caused by a failure of the Commission's or your computer systems or Internet service provider; and (3) severe weather or other disaster-related incident. 11 CFR § 111.35(c). Examples of circumstances that will not be considered reasonably unforeseen and beyond your control include, but are not limited to: (1) negligence; (2) delays caused by vendors or contractors; (3) treasurer and staff illness, inexperience or unavailability; (4) committee computer, software, or Internet service provider failures; (5) failure to know filing dates; and (6) failure to use filing software properly. 11 CFR § 111.35(d).

The "failure to raise an argument in a timely fashion during the administrative process shall be deemed a waiver" of your right to present such argument in a petition to the U.S. District Court under 52 U.S.C. § 30109. 11 CFR § 111.38.

If you intend to be represented by counsel, please advise the Office of Administrative Review. You should provide, in writing, the name, address and telephone number of your counsel and authorize counsel to receive notifications and communications relating to this challenge and imposition of the calculated civil money penalty.

2. If You Choose Not to Pay the Civil Money Penalty and Not to Submit a Challenge

If you do not pay the calculated civil money penalty and do not submit a written response, the FEC will assume that the preceding factual allegations are true and make a final determination that George Franklin for Congress and you, in your official capacity as treasurer, violated 52 U.S.C. § 30104(a) and assess a civil money penalty.

Unpaid civil money penalties assessed through the Administrative Fine regulations will be subject to the Debt Collection Act of 1982 ("DCA"), as amended by the Debt Collection Improvement Act of 1996, 31 U.S.C. § 3701 *et seq.* The FEC may take any and all appropriate

action authorized and required by the DCA, as amended, including transfer to the U.S. Department of the Treasury for collection. 11 CFR § 111.51(a)(2).

3. If You Choose to Pay the Civil Money Penalty

If you should decide to pay the calculated civil money penalty, follow the payment instructions on page 4 of this letter. Upon receipt of your payment, the FEC will send you a final determination letter.

NOTICE REGARDING PARTIAL PAYMENTS AND SETTLEMENT OFFERS

4. Partial Payments

If you make a payment in an amount less than the calculated civil money penalty, the amount of your partial payment will be credited towards the full civil money penalty that the Commission assesses upon making a final determination.

5. Settlement Offers

Any offer to settle or compromise a debt owed to the Commission, including making a payment in an amount less than the calculated civil money penalty assessed or any restrictive endorsements contained on your check or money order or proposed in correspondence transmitted with your check or money order, will be rejected. Acceptance and deposit or cashing of such a restricted payment does not constitute acceptance of the settlement offer. Payments containing restrictive endorsements will be deposited and treated as a partial payment towards the civil money penalty that the Commission assesses upon making a final determination. All unpaid civil money penalty amounts remaining will be subject to the debt collection procedures set forth in Section 2, above.

This matter was generated based on information ascertained by the FEC in the normal course of carrying out its supervisory responsibilities. 52 U.S.C. § 30109(a)(2). Unless you notify the FEC in writing that you wish the matter to be made public, it will remain confidential in accordance with 52 U.S.C. § 30109(a)(4)(B) and 30109(a)(12)(A) until it is placed on the public record at the conclusion of this matter in accordance with 11 CFR § 111.42.

As noted earlier, you may obtain additional information on the FEC's administrative fine program, including the final regulations, on the FEC's website at <https://www.fec.gov/af/pay.shtml>. If you have questions regarding the payment of the calculated civil money penalty, please contact Ben Holly in the Reports Analysis Division at our toll free number (800) 424-9530 (at the prompt press 5) or (202) 694-1130. If you have questions regarding the submission of a challenge, please contact the Office of Administrative Review at our toll free number (800) 424-9530 (press 0, then ext. 1158) or (202) 694-1158.

On behalf of the Commission,

Ellen L. Weintraub

Ellen L. Weintraub
Chair

ADMINISTRATIVE FINE REMITTANCE & PAYMENT INSTRUCTIONS

In accordance with the schedule of penalties at 11 CFR § 111.43, the amount of your civil money penalty calculated at RTB is \$11,627 for the 2018 Year-End Report.

You may remit payment by ACH withdrawal from your bank account, or by debit or credit card through Pay.gov, the federal government's secure portal for online collections. Visit www.fec.gov/af/pay.shtml to be directed to Pay.gov's Administrative Fine Program Payment form.

This penalty may also be paid by check or money order, made payable to the Federal Election Commission. It should be sent by mail to:

Federal Election Commission
P.O. Box 979058
St. Louis, MO 63197-9000

If you choose to send your payment by courier or overnight delivery, please send to:

U.S. Bank - Government Lockbox
FEC #979058
1005 Convention Plaza
Attn: Government Lockbox, SL-MO-C2GL
St. Louis, MO 63101

PAYMENTS BY PERSONAL CHECK

Personal checks will be converted into electronic funds transfers (EFTS). Your account will be electronically debited for the amount on your check, usually within 24 hours, and the debit will appear on your regular statement. We will destroy your original check and keep a copy of it. In case the EFT cannot be processed for technical reasons, you authorize us to process the copy in lieu of the original check. Should the EFT not be completed because of insufficient funds, we may try to make the transfer twice.

PLEASE DETACH AND RETURN THE PORTION BELOW WITH YOUR PAYMENT

FOR: George Franklin for Congress

FEC ID#: C00656744

AF#: 3690

PAYMENT DUE DATE: May 15, 2019

PAYMENT AMOUNT DUE: \$11,627

May 14, 2019

Ellen L Weintraub
Chair, Federal Election Commission
1050 First Street, NE
Washington, DC 20463

RECEIVED
U.S. MAIL CENTER
2019 MAY 15 AM 11:45

RE: C00656744
AF#: 3690

Dear Ms. Weintraub:

Please let this serve as a response to the letter the that CANDIDATE GEORGE FRANKLIN received on Monday, April 15, 2019 but myself as treasurer received on Tuesday, May 14, 2019. Though, I did hear about the letter on Monday, April 15, 2019.

We are being assessed a fine of \$11,627.00 based on not filing our end of year candidate committee report. It was my understanding that this campaign committee was closed upon filing our October 15, 2018 report and I was unaware that an additional report was to be filed.

I understand that this was in error now, and because of that I filed the April Quarterly report when I heard of this letter.

The report that was not filed had total income and expenditures of \$0.00. Since we had no previous violations, but had debt that fell in the \$100,000-149,999.99, window. I believe that the total amount owed based on the table under 111.43 Table 1 to paragraph (a) should only be \$6541.

Please advise of your decision by contacting me directly at the information below:

Heather Ricketts
2600 Hunters Pt
Kalamazoo, MI 49048
(517) 927-5179
Heather.ricketts@gmail.com

Thank you for your consideration,

Heather Ricketts

Heather Ricketts
Treasurer, George Franklin for Congress



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

July 2, 2019

**REVIEWING OFFICER RECOMMENDATION
OFFICE OF ADMINISTRATIVE REVIEW ("OAR")**

AF# 3690 – George Franklin for Congress and Heather Ricketts, in her official capacity as Treasurer (C00656744)

Summary of Recommendation

Make a final determination that the respondents violated 52 U.S.C. § 30104(a) and assess no civil money penalty.

Reason-to-Believe Background

The 2018 Year-End Report was due on January 31, 2019. The respondents filed the report on May 15, 2019, 104 days late. The report is not election sensitive and was not filed within 30 days of the due date; therefore, the report is considered not filed. 11 C.F.R. §§ 111.43(d)(1) and (e)(1).

On April 5, 2019, the Commission found reason to believe ("RTB") that the respondents violated 52 U.S.C. § 30104(a) for failing to timely file the 2018 Year-End Report and made a preliminary determination that the civil money penalty was \$11,627 based on the schedule of penalties at 11 C.F.R. § 111.43. A letter was mailed to the respondents' address of record from the Reports Analysis Division ("RAD") on April 8, 2019 to notify them of the Commission's RTB finding and civil money penalty.

Legal Requirements

The Federal Election Campaign Act ("Act") states that the treasurer of a principal campaign committee shall file a report for the quarter ending December 31 no later than January 31 of the following calendar year. 52 U.S.C. § 30104(a) and 11 C.F.R. § 104.5(a)(1)(i). Reports electronically filed must be received and validated at or before 11:59 pm Eastern Standard/Daylight Time on the filing deadline to be timely filed. 11 C.F.R. §§ 100.19(c) and 104.5(e). The treasurer shall be personally responsible for the timely filing of reports. 11 C.F.R. § 104.14(d).

Summary of Respondents' Challenge

On May 15, 2019, the Commission received the written response ("challenge") from the Treasurer. She explains that she believed the Committee was closed upon filing the 2018 October Quarterly Report but now realizes her mistake. The Treasurer states that the report has been filed. There was \$0 in receipts and expenditures during the reporting period but had debt in the penalty calculation bracket of \$100,000 - \$149,999.99. Therefore, the Treasurer believes the penalty should be reduced to \$6,541.

Analysis

At the time of the RTB finding, the Commission used an estimated level of activity (\$337,496) to calculate the penalty because the 2018 Year-End Report had not yet been filed. 11 C.F.R § 111.43(d)(2)(i). On May 15, 2019, the Committee filed the 2018 Year-End Report, 104 days late. The 2018 Year-End Report discloses \$0 in total receipts and \$0 in total disbursements during the reporting period.¹ For authorized committees, the level of activity is the amount of total receipts plus total disbursements disclosed on the report. 11 C.F.R § 111.43(d)(3)(i). The Reviewing Officer notes that neither loans received nor debts incurred during previous reporting periods are included in the level of activity. Therefore, the actual level of activity for the 2018 Year-End reporting period is \$0. Using the schedule of penalties at 11 C.F.R § 111.43(a), no civil money penalty should be assessed for a level of activity of \$0.

The Reviewing Officer recommends that the Commission make a final determination that the respondents violated 52 U.S.C. § 30104(a) and assess no civil money penalty.

OAR Recommendations

1. Adopt the Reviewing Officer recommendation for AF# 3690 involving George Franklin for Congress and Heather Ricketts, in her official capacity as Treasurer, in making the final determination;
2. Make a final determination in AF# 3690 that George Franklin for Congress and Heather Ricketts, in her official capacity as Treasurer, violated 52 U.S.C. § 30104(a) and assess no civil money penalty (reduced from the RTB civil money penalty of \$11,627); and
3. Send the appropriate letter.

Attachments

Attachment 1 –

Attachment 2 – Declaration from RAD

Attachment 3 – Declaration from OAR

¹ In the challenge, the Treasurer refers to outstanding debt during the 2018 Year-End reporting period. On June 23, 2019, RAD sent a Request for Additional Information ("RFI") to the Committee regarding previously reported loans which were not disclosed on the 2018 Year-End Report.

DECLARATION OF KRISTIN D. ROSER

1. I am the Chief of the Compliance Branch for the Reports Analysis Division of the Federal Election Commission ("Commission"). In my capacity as Chief of the Compliance Branch, I oversee the initial processing of the Administrative Fine Program. I make this declaration based on my personal knowledge and, if called upon as a witness, could and would testify competently to the following matters.
2. It is the practice of the Reports Analysis Division to document all calls to or from committees regarding a letter they receive or any questions relating to the FECFile software or administrative fine regulations, including due dates of reports and filing requirements.
3. I hereby certify that documents identified herein are true and accurate copies of the following sent by the Commission to George Franklin for Congress:
 - A) Non-Filer Letter, dated February 19, 2019, referencing the 2018 Year-End Report (sent via electronic mail to: heather.ricketts@gmail.com);
 - B) Reason-to-Believe Letter, dated April 8, 2019, referencing the 2018 Year-End Report (sent via overnight mail to the address of record).
4. I hereby certify that I have searched the Commission's public records and find that George Franklin for Congress filed a 2018 Year-End Report with the Commission on May 15, 2019.
5. Pursuant to 28 U.S.C. 1746, I declare under penalty of perjury that the foregoing is true and correct and that all relevant telecoms for the matter have been provided. This declaration was executed at Washington, D.C. on the 19th day of June, 2019.

Ben Holly for KDR
Kristin D. Roser
Chief, Compliance Branch
Reports Analysis Division
Federal Election Commission



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RQ-7

February 19, 2019

RICKETTS, HEATHER, TREASURER
GEORGE FRANKLIN FOR CONGRESS
P.O. BOX 353
GLENN, MI 49416

IDENTIFICATION NUMBER: C00656744

REFERENCE: YEAR-END REPORT (10/01/2018 - 12/31/2018)

Dear Treasurer:

It has come to the attention of the Federal Election Commission that you may have failed to file the above referenced report of receipts and disbursements or failed to file a report covering the entire reporting period as required by the Federal Election Campaign Act, as amended. 52 U.S.C. §30104(a)

It is important that you file this report immediately. The report must be filed with the Federal Election Commission, 1050 First Street, NE, Washington, DC 20002. Please note that electronic filers must submit their reports electronically, as per 11 CFR §104.18. A copy of the report must also be filed with the Secretary of State or equivalent State officer unless the State is exempt from the federal requirement to receive and maintain paper copies. You can verify the Commission's receipt of any documents submitted by your committee on the FEC website at www.fec.gov.

The failure to timely file a complete report may result in civil money penalties, an audit or legal enforcement action. The civil money penalty calculation for late reports does not include a grace period and begins on the day following the due date for the report. Due to heightened security screening measures, delivery of mail by the US Postal Service may be delayed. The Commission recommends that you submit your report via overnight delivery or courier service.

If you have any questions regarding this matter, please contact Christopher Ritchie in the Reports Analysis Division on our toll-free number (800)424-9530. The analyst's direct number is (202)694-1146.

GEORGE FRANKLIN FOR CONGRESS

Page 2 of 2

Sincerely,

Debbie Chacona

Deborah Chacona
Assistant Staff Director
Reports Analysis Division

250

201902190300032048

DECLARATION OF RHIANNON MAGRUDER

- 1) I am the Reviewing Officer in the Office of Administrative Review for the Federal Election Commission ("Commission"). In my capacity as Reviewing Officer, I conduct research with respect to all challenges submitted in accordance with the Administrative Fine program.
- 2) A principal campaign committee shall file a quarterly report covering the final quarter of the calendar year no later than January 31 of the following calendar year. Reports filed electronically must be received and validated at or before 11:59 pm, Eastern Standard/Daylight Time on January 31, 2019 for the 2018 Year-End Report to be timely filed.
- 3) I hereby certify that I have searched the Commission's public records and that the documents identified herein are the true and accurate copies of:
 - a) Cover Page, Summary Page, and Detailed Summary Pages of the 2018 Year-End Report filed by George Franklin for Congress and Heather Ricketts, in her official capacity as Treasurer, in her official capacity as Treasurer. The report covers October 1, 2018 through December 31, 2018 and was received on May 15, 2019.
- 4) Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed at Washington, D.C. on the 2nd day of July, 2019.

Rhiannon Magruder
Rhiannon Magruder
Reviewing Officer
Office of Administrative Review
Federal Election Commission

**FEC
FORM 3****REPORT OF RECEIPTS
AND DISBURSEMENTS**

For An Authorized Committee

Office Use Only

1. NAME OF
COMMITTEE (in full)

TYPE OR PRINT ▼

Example: If typing, type
over the lines.

12FE4M5

George Franklin for Congress

ADDRESS (number and street)

P.O. Box 353

Check if different
than previously
reported. (ACC)

Glenn

MI

49416

CITY ▲

STATE ▲

ZIP CODE ▲

2. FEC IDENTIFICATION NUMBER ▼

C00656744

3. IS THIS
REPORTNEW
(N)

OR

AMENDED
(A)

STATE ▼ DISTRICT

MI

06

4. TYPE OF REPORT (Choose One)

(a) Quarterly Reports:



April 15 Quarterly Report (Q1)



July 15 Quarterly Report (Q2)



October 15 Quarterly Report (Q3)



January 31 Year-End Report (YE)



Termination Report (TER)

(b) 12-Day PRE-Election Report for the:



Primary (12P)



General (12G)



Runoff (12R)



Convention (12C)



Special (12S)

Election on

MM / DD / YYYY

in the
State of

(c) 30-Day POST-Election Report for the:



General (30G)



Runoff (30R)



Special (30S)

Election on

MM / DD / YYYY

in the
State of

5. Covering Period

MM / DD / YYYY

10

01

2018

through

MM / DD / YYYY

12

31

2018

I certify that I have examined this Report and to the best of my knowledge and belief it is true, correct and complete.

Franklin, George, ..

Type or Print Name of Treasurer

Franklin, George, ..

Signature of Treasurer

[Electronically Filed]

Date

MM / DD / YYYY

05

15

2019

NOTE: Submission of false, erroneous, or incomplete information may subject the person signing this Report to the penalties of 52 U.S.C. §30109.

Office
Use
Only**FEC FORM 3**
(Revised 05/2016)

SUMMARY PAGE

of Receipts and Disbursements

FEC Form 3 (Revised 05/2016)

PAGE 2 / 4

Write or Type Committee Name

George Franklin for Congress

Report Covering the Period:

From:

M	M	/	D	D	/	Y	Y	Y	Y
10			01			2018			

To:

M	M	/	D	D	/	Y	Y	Y	Y
12			31			2018			

	COLUMN A This Period	COLUMN B Election Cycle-to-Date
6. Net Contributions (other than loans)		
(a) Total Contributions (other than loans) (from Line 11(e))	0.00	0.00
(b) Total Contribution Refunds (from Line 20(d))	0.00	0.00
(c) Net Contributions (other than loans) (subtract Line 6(b) from Line 6(a))	0.00	0.00
7. Net Operating Expenditures		
(a) Total Operating Expenditures (from Line 17)	0.00	0.00
(b) Total Offsets to Operating Expenditures (from Line 14)	0.00	0.00
(c) Net Operating Expenditures (subtract Line 7(b) from Line 7(a))	0.00	0.00
8. Cash on Hand at Close of Reporting Period (from Line 27)	0.00	
9. Debts and Obligations Owed TO the Committee (Itemize all on Schedule C and/or Schedule D)	0.00	
10. Debts and Obligations Owed BY the Committee (Itemize all on Schedule C and/or Schedule D)	0.00	

For further information contact:

Federal Election Commission
999 E Street, NW
Washington, DC 20463

Toll Free 800-424-9530
Local 202-694-1100

10-00000-00000

DETAILED SUMMARY PAGE of Disbursements

FEC Form 3 (Revised 05/2016)

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II. DISBURSEMENTS
COLUMN A
Total This Period

COLUMN B
Election Cycle-to-Date

17. OPERATING EXPENDITURES.....

0.00

0.00

18. TRANSFERS TO OTHER
AUTHORIZED COMMITTEES

0.00

0.00

19. LOAN REPAYMENTS:

(a) Of Loans Made or Guaranteed
by the Candidate.....

0.00

0.00

(b) Of All Other Loans

0.00

0.00

(c) TOTAL LOAN REPAYMENTS
(add Lines 19(a) and (b)).....

0.00

0.00

20. REFUNDS OF CONTRIBUTIONS TO:

(a) Individuals/Persons Other
Than Political Committees

0.00

0.00

(b) Political Party Committees.....

0.00

0.00

(c) Other Political Committees
(such as PACs)

0.00

0.00

(d) TOTAL CONTRIBUTION REFUNDS
(add Lines 20(a), (b), and (c)).....

0.00

0.00

21. OTHER DISBURSEMENTS

0.00

0.00

22. TOTAL DISBURSEMENTS
(add Lines 17, 18, 19(c), 20(d), and 21) ►

0.00

0.00

III. CASH SUMMARY

23. CASH ON HAND AT BEGINNING OF REPORTING PERIOD.....

0.00

24. TOTAL RECEIPTS THIS PERIOD (from Line 16, page 3).....

0.00

25. SUBTOTAL (add Line 23 and Line 24).....

0.00

26. TOTAL DISBURSEMENTS THIS PERIOD (from Line 22).....

0.00

27. CASH ON HAND AT CLOSE OF REPORTING PERIOD
(subtract Line 26 from Line 25).....

0.00



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

July 2, 2019

Heather Ricketts, in official capacity as Treasurer
George Franklin for Congress
PO Box 353
Glenn, MI 49416

C00656744
AF#: 3690

Dear Ms. Ricketts:

On April 5, 2019, the Federal Election Commission ("Commission") found reason to believe ("RTB") that George Franklin for Congress and you, in your official capacity as Treasurer ("respondents"), violated 52 U.S.C. § 30104(a) for failing to timely file the 2018 Year-End Report. The Commission also made a preliminary determination that the civil money penalty was \$11,627 based on the schedule of penalties at 11 C.F.R. § 111.43.

After reviewing your written response and any supplemental information submitted by you and Commission staff, the Reviewing Officer has recommended that the Commission make a final determination that the respondents violated 52 U.S.C. § 30104(a) and assess no civil money penalty. A copy of the Reviewing Officer's recommendation is attached.

You may file with the Commission Secretary a written response to the recommendation within 10 days of the date of this letter. Your written response should be sent to the Commission Secretary, 1050 First Street, NE, Washington, DC 20463 or via facsimile (202-208-3333). Please include the AF # in your response. Your response may not raise any arguments not raised in your original written response or not directly responsive to the Reviewing Officer's recommendation. 11 C.F.R. § 111.36(f). The Commission will then make a final determination in this matter.

Please contact me at the toll free number 800-424-9530 (press 0, then press 1660) or 202-694-1158 if you have any questions.

Sincerely,

Rhiannon Magruder

Rhiannon Magruder
Reviewing Officer
Office of Administrative Review



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

2019 JUL 24 AM 9:02

July 24, 2019

MEMORANDUM

SENSITIVE

To: The Commission

Through: Alec Palmer *AP by Matt*
Staff Director

From: Patricia C. Orrock *PCO*
Chief Compliance Officer

Rhiannon Magruder *RM*
Reviewing Officer
Office of Administrative Review

Subject: Final Determination Recommendation in AF# 3690 – George Franklin for
Congress and Heather Ricketts, in her official capacity as Treasurer (C00656744)

On April 5, 2019, the Commission found reason to believe ("RTB") that the respondents violated 52 U.S.C. § 30104(a) for failing to timely file the 2018 Year-End Report and made a preliminary determination that the civil money penalty was \$11,627 based on the schedule of penalties at 11 C.F.R. § 111.43.

On May 15, 2019, the Commission received their written response ("challenge"). After reviewing the challenge, the Reviewing Officer Recommendation ("ROR") dated July 2, 2019 was forwarded to the Commission, a copy was forwarded to the respondents, and is hereby incorporated by reference. The Reviewing Officer recommended that the Commission make a final determination that the respondents violated 52 U.S.C. § 30104(a) and assess no civil money penalty.

Within 10 days of transmittal of the recommendation, the respondents may file a written response with the Commission Secretary which may not raise any arguments not raised in their challenge or not directly responsive to the ROR. 11 C.F.R. § 111.36(f). To date, a response has not been received.

1-800-242-4714

1. Adopt the Reviewing Officer recommendation for AF# 3690 involving George Franklin for Congress and Heather Ricketts, in her official capacity as Treasurer, in making the final determination;
2. Make a final determination in AF# 3690 that George Franklin for Congress and Heather Ricketts, in her official capacity as Treasurer, violated 52 U.S.C. § 30104(a) and assess no civil money penalty (reduced from the RTB civil money penalty of \$11,627); and
3. Send the appropriate letter.

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
) AF 3690
Final Determination Recommendation:)
George Franklin for Congress and)
Heather Ricketts, in her official capacity)
as Treasurer (C00656744))

CERTIFICATION

I, Laura E. Sinram, Acting Secretary and Clerk of the Federal Election Commission, do hereby certify that on August 05, 2019, the Commission decided by a vote of 4-0 to take the following actions in AF 3690:

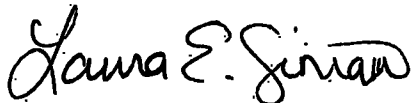
1. Adopt the Reviewing Officer recommendation for AF# 3690 involving George Franklin for Congress and Heather Ricketts, in her official capacity as Treasurer, in making the final determination.
2. Make a final determination in AF# 3690 that George Franklin for Congress and Heather Ricketts, in her official capacity as Treasurer, violated 52 U.S.C. § 30104(a) and assess no civil money penalty (reduced from the RTB civil money penalty of \$11,627).
3. Send the appropriate letter.

Commissioners Hunter, Petersen, Walther, and Weintraub voted affirmatively for the decision.

Attest:

8/6/19

Date



Laura E. Sinram
Acting Secretary and Clerk of the
Commission



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

August 14, 2019

Heather Ricketts, in official capacity as Treasurer
George Franklin for Congress
PO Box 353
Glenn, MI 49416

C00656744
AF#: 3690

Dear Ms. Ricketts:

On April 5, 2019, the Federal Election Commission ("the Commission") found reason to believe ("RTB") that George Franklin for Congress and you, in your official capacity as Treasurer, violated 52 U.S.C. § 30104(a) for failing to file the 2018 Year-End Report. By letter dated April 8, 2019, the Commission sent notification of the RTB finding that included a civil money penalty calculated at RTB of \$11,627 in accordance with the schedule of penalties at 11 C.F.R. § 111.43. On May 15, 2019, the Office of Administrative Review received your written response challenging the RTB finding.

The Reviewing Officer reviewed the Commission's RTB finding with its supporting documentation and your written response. Based on this review, the Reviewing Officer recommended that the Commission reduce the RTB civil money penalty because it was calculated using an estimated level of activity, make a final determination that George Franklin for Congress and you, in your official capacity as Treasurer, violated 52 U.S.C. § 30104(a), and based on the actual level of activity disclosed on the 2018 Year-End Report filed May 15, 2019 (\$0), assess no civil money penalty in accordance with 11 C.F.R. § 111.43. The Reviewing Officer Recommendation was sent to you on July 2, 2019.

On August 5, 2019, the Commission adopted the Reviewing Officer's recommendation and made a final determination that George Franklin for Congress and you, in your official capacity as Treasurer, violated 52 U.S.C. § 30104(a), and based on the level of activity disclosed on the 2018 Year-End Report (\$0), assessed no civil money penalty (reduced from the RTB civil money penalty of \$11,627). It is based on the same factors used to calculate the civil money penalty at RTB except that the actual rather than the estimated level of activity was used. A copy of the Final Determination Recommendation is attached.

The confidentiality provisions at 52 U.S.C. § 30109(a)(12) no longer apply and this matter is now public. Pursuant to 11 C.F.R. §§ 111.42(b) and 111.20(c), the file will be placed on the public record within 30 days from the date of this notification.

19907290424417

Ellen L. Weintraub

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100-442720-1